

**Minutes of Meeting  
Grafton Planning Board  
December 9, 2013**

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A regular meeting of the Grafton Planning Board was held on December 9, 2013 in the Finance Committee Meeting Room at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman David Robbins, Clerk Edward Prisby, Robert Hassinger, and Sargon Hanna. Mr. Scully joined the meeting at 9:15 p.m. and Associate Member Mathew Often was absent. Staff present was Town Planner Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Robbins called the meeting to order at 7:00 p.m.

**ACTION ITEMS**

There were no action items on the agenda.

**DISCUSSION ITEM 2-A – POTENTIAL ZBL CHANGES FOR 2014**

The Board brought up the issues that had been problematic in the past that required further discussion, public input and clarification. The Board tentatively listed temporary and/or portable signs; the type and size of mounting poles for signs; and the types of signs that the townspeople want to see in their Town. Mr. Hassinger also suggested the Board may want to look at possible amendments to the Subdivision Rules & Regulations.

**STAFF REPORT**

Mr. Bishop remarked that since there had been a Declaratory Statement from the court regarding Institute Road as a public roadway, Mr. Afonso will most likely be back before the Board with an application.

Mr. Bishop also informed the Board that he has informed the Town Administrator of his intent to retire effective the end of January. Mr. Bishop stated he has enjoyed his time in Grafton as Town Planner and is confident he will be replaced by a well qualified person from the list of those who will be interviewing after the January 2, 2014 application deadline.

The Board thanked Mr. Bishop for his service and commended him for his knowledge and direction in the Planning office.

**BILLS**

The bills were circulated and signed.

**MINUTES OF PREVIOUS MEETINGS**

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to approve the open session minutes of November 25, 2013 as drafted. **MOTION** carried unanimously 4 to 0.

**REPORTS FROM PLANNING BOARD REPRESENTATIVES ON TOWN COMMITTEES AND CMRPC**

Mr. Hanna stated that he had attended his first meeting as the new Planning Board representative to the Community Preservation Committee and found it to be interesting.

Mr. Hassinger remarked that he had attended the presentations made by the applicants for the Assistant Town Administrator position.

**PUBLIC HEARINGS**

**SPECIAL PERMIT (SP 2013-10) JOHN GOSSELIN, (APPLICANT/OWNER) – ZBL SECTION 4.4.4 (SPECIAL CASES/SIGN RELIEF) – 156 MAIN STREET, SOUTH GRAFTON**

Mr. Prisby read the legal notice and Chairman Robbins opened the public hearing. Present for the hearing was applicant John Gosselin.

Mr. Gosselin informed the Board that the new sign will be the same size and location of the existing sign, explaining that the reason for replacing the sign is only due to the excessive costs associated with the maintenance of the sign. Mr. Gosselin stated that the sign is approximately 10 feet high and 6 feet wide, and pointed out that it is lower to allow for easier access and maintenance.

Mr. Hassinger expressed concerns of the sign not meeting the Zoning By-law requirement of no signage above 2½ feet or below 7 feet, which is a problem for approval with the Planning Board. Mr. Gosselin stated that he would raise the sign up so the bottom is at the 7 foot level.

Chairman Robbins stated that it may work to replace the existing sign for one that is less non-conforming, with the bottom of the sign at 7 feet, the top of the sign not going any higher or wider than the current sign, and moving it in further.

Mr. Prisby read Mr. Scully's texted comments aloud, stating he was ok with setback relief if using the same existing post, as it appears to be a whole new pole is needed in the design then he is not ok with inadequate setback; he is not ok with any sign square footage larger than the allowable 32 square feet which means if top plank is 2 feet across then that is 12 feet of the allowable 32 square feet leaving 20 square feet remaining for the rest of the allowable space; if relief was granted from setback, he is not comfortable granting relief from Section 4.4.2.5 limit between 2½ and 7 feet; nothing presented compels him to vote to allow this request for relief and as submitted he would vote against it.

The Board suggested Mr. Gosselin make the necessary changes discussed to the sign and submit a copy of the revised sign for the Board's approval at the next meeting.

Mr. Gosselin requested the Board continue the hearing to the January 13, 2014 Planning Board meeting.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Hanna, to grant the applicant's written request to continue the public hearing to January 13, 2014 at 7:30 p.m. **MOTION** carried unanimously 4 to 0.

**SPECIAL PERMIT (MRSP 2013-9) CASA BUILDERS & DEVELOPERS CORP. (APPLICANT) – MAINTANIS REALTY TRUST (MAP 97, LOT 22A) AND WILLIAM J. & MARY J. MAINTANIS & STEPHEN A. WILSON (MAP 98, LOT 2) (OWNERS)**

Mr. Prisby read the legal notice and Chairman Robbins opened the public hearing. Present for the hearing were Engineer John Grenier, representing Casa Builders & Developers Corp. and Julie Venincasa.

Mr. Grenier informed the Board that his client is proposing to construct "Gristmill Village" Subdivision off of Pleasant Street and Grist Mill Road. Mr. Grenier stated the site is 20 acres of land containing a mixture of field and woods; 1.6 acres of wetlands on the northern portion of the property; two points of access off Pleasant Street and Grist Mill Road; and access to Town water & sewer. Mr. Grenier pointed out a Conventional Development plan consisting of 15 lots with 1,965 feet of roadway; lots requiring significant cuts along with work within the 100 foot wetland buffer. Mr. Grenier added the preferred Flexible Plan option, utilizing the 20% bonus provision, consists of 18 lots; 1,575 feet of roadway; reduces the amount of cuts & overall impacts on the site; and 11.6 acres reserved as permanent open space. Mr. Grenier also noted that they are requesting two waivers for the Flexible plan: Section 4.1.2.1.b regarding proposed grades within the right-of-way, and 4.1.3.6 regarding the distance between the intersection of adjacent streets.

Mr. Grenier stated they had done some soil testing discovering some ledge outcrops in the northern area; had contracted a traffic engineer and will be submitting a traffic study at the next meeting; have received review comments from Graves Engineering; and generally feel that the project fits in with the surrounding neighborhoods.

Chairman Robbins asked Mr. Grenier if he has seen the Town Department comments from the ZBA, the Water District and the Police Chief. Mr. Grenier stated he had not seen the Chief's comments.

Mr. Hassinger expressed concerns about the waiver request regarding the distance between intersections and read aloud the Chief's comments stating that he resides in the area but is not a direct abutter and that he has traffic and safety concerns for the intersection of proposed Millstone Drive and Grist Mill Road, specifically during the winter months.

Mr. Hanna noted that Graves Engineering also had comments on the site line for proposed Millstone Drive and Gristmill Road.

Mr. Hassinger informed Mr. Grenier that he had two major concerns at this point: one being the distances between the intersections were too short and number two that the cuts are way beyond what is allowed.

Chairman Robbins reminded Mr. Grenier even though the preferred plan is the Flexible plan, the Conventional Plan has to be a credible, good faith plan that the Planning Board is likely to approve and this is what determines the lot count for the Flexible plan. Chairman Robbins also

noted there were a number of unanswered questions and issues, specifically that a traffic study has not been submitted yet.

Mr. Grenier remarked that it was his intention to simply introduce the plan to the Board and the abutters to allow for feedback and comments regarding the project.

Beverly Berube of 9 Barbara Jean Street requested Mr. Grenier turn the displayed plan to face the abutters in the audience and review the plan layout again as they were unable to see what had been shown and explained to the Board. Ms. Berube also asked what number Barbara Jean Street is at the rear of the subdivision. Mr. Grenier stated it was number 17 and appeared to be a home with a pool in the back yard.

Cheryl Holland of 6 Gristmill Road asked why the subdivision appeared to be so close to her house with all the open space supposedly between the subdivision and the homes on Barbara Jean Street. Mr. Grenier stated that the area was where the access roadway will be and there appeared to be a 40 foot buffer between the subdivision and the home, adding that they will work with Ms. Holland to make it more acceptable.

Gerald Holland of 6 Grist Mill Road expressed concerns of having a detention pond in his back yard; that he has difficulty maneuvering out of the streets to Pleasant Street with his F-150 truck and is not sure how fire apparatus will make the turns having a greater turning radius; and with the increased traffic on these roadways, the danger of having to pull out quite a distance to have a site line of the traffic coming.

Chairman Robbins noted they have not received any comments from the Fire Department yet.

Mr. Hassinger pointed out that the Subdivision Rules & Regulations require a radius for corners, so the Board will need to know how wide the right-of-way is for Gristmill Road.

Mr. Holland stated that the Maintanis family had gravel removed leaving a vicious slope and if earth work is done in this area it will require a wall.

Lee Kaufman of 96 Pleasant Street was concerned that this subdivision was not a good fit for the Town or the neighborhood; that the previous applicant back in 2005/2006 tried to build a similar subdivision with the same unsafe traffic concerns shown in their traffic study; and that the project didn't work then and won't work now for the same reasons of the homes abutting too close and the traffic safety. Mr. Kaufman also stated that he felt the developer was taking unfair advantage by considering wetlands to be open space on the plan.

Mr. Prisby noted that the applicant will have to demonstrate to the Board that the Conventional Plan can be built.

Mr. Holland stated that he envisioned problems with the slope of the land going in two different directions, part up to Barbara Jean Street and part up from Gristmill Road.

Phillip Wissell of 31 Barbara Jean Street requested Mr. Grenier locate his home on the plan and asked what will happen with the wetlands behind the house when the ledge is scoured out leaving a substantial grade difference and a potentially major water flow problem.

Chairman Robbins remarked that the drainage will be reviewed by the Town's Engineer and Graves Engineering, and the Town will need to be satisfied that no lot will be detrimental to another lot, specifically concerning water flow.

Mr. Hassinger asked what percent of the plan was upland and what percent was wetland. Mr. Grenier stated that the plan showed 10 acres are upland and 1.6 acres are wetland.

Gerald Holland of 6 Gristmill asked if the buffer zone was part of the upland or wetland.

Richard Masterson of 7 Barbara Jean Street expressed concerns for the drainage system, specifically within the open space, stating that he used to build them and most of the time they don't work.

Robert Wood of 8 Gristmill Road stated that the area has become a cut-thru route particularly when the Pleasant Street bridge was out and will become worse again when the Super Big Y is built at Boston Road & Route 146.

Mr. Wissell of 31 Barbara Jean Street was concerned that there are more houses than the area can sustain; the lots will be looking directly at the backs of people's houses; and the drainage will be a problem with so many units.

Gail Elmore of 13 Barbara Jean Street stated she would like to hear someone officially say that the proposed homes are single family dwellings.

Lee Kaufman asked what kind of homes were to be built and was told those details do not come before the Planning Board for approval.

Mr. Grenier stated that the applicant does most of his own site work.

Julie Venincasa, daughter of the applicant, introduced herself to the Board and the audience, stating that this is not the first subdivision they have built; that her family has been in the home building business for 40 years; and invited all to look at their projects in Holden, Shrewsbury and Westborough.

Mr. Grenier requested the Board continue the public hearing to their January 13, 2014 meeting.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Prisby, to grant the applicant's written request to continue the public hearing to January 13, 2014 at 7:30 p.m. **MOTION** carried unanimously 4 to 0.

**SPECIAL PERMIT (SP 2013-7) GCCF NEW ENGLAND, LLC C/O CUMBERLAND FARMS, (APPLICANT) – ROJAS REALTY TRUST, (OWNER) 217 WORCESTER STREET**

Chairman Robbins opened the public hearing. Present for the hearing were Philip Lombardo representing the applicant, Josh Swerling of Bohler Engineering, and Erin Pacileo of McMahon Associates.

Mr. Swerling reviewed the submitted revisions to the plan with the Board stating that they had revised the proposed canopy elevations to match those at the Southborough store; revised the lighting plan; revised the utility plan by increasing the sewer easement to 20 feet; and revised the site plan by modifying the snow storage areas.

Chairman Robbins remarked that one of the snow storage issues raised by the public was concern of the snow being piled too high. Chairman Robbins suggested the applicant not allow the snow to pile up over 2-2½ feet, and that in the event that it does reach higher levels the snow will be removed.

Mr. Scully joined the Planning Board at 9:15 p.m.

Chairman Robbins noted they had received correspondence from the Police Chief stating he had met with a Cumberland Farms security representative regarding the issue of security camera/equipment locations. Mr. Lombardo submitted to the Board a revised security camera floor plan which the Police Chief had approved.

Mr. Lombardo added that they had changed the hours of operation to 5:00 a.m. to midnight and they will limit the fuel deliveries to off-peak hours specifically excluding the peak hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.

Mr. Hassinger wished to note that he had located language in Chapter 40A which allows the Planning Board to speak to and condition time allowances.

Mr. Lombardo submitted proposed sign drawings to the Board which also included several nonconforming signs for which they will require special permit relief. Mr. Lombardo pointed out the wall signs on the canopy over the fuel dispensers exceeded the number permitted; directional signs exceeding the square footage permitted; a freestanding sign exceeding the permitted height and the wall sign facing Williams Road exceeding 6 square feet.

Mr. Hassinger questioned whether a separate special permit application and legal hearing notice should have been submitted for the signage being requested, noting that there was no mention of the signage requests in the legal ad for this public hearing. Mr. Bishop remarked that the legal notice only requires notification of project intent and that the applicant's signage request is clearly evident in their applicant package.

Mr. Lombardo informed the Board that the applicant has agreed to lower the height of the freestanding sign from 19 feet to 16 feet; that the 60 square foot sign area proposed is well below what is permitted; and that to meet the minimum clearance of 7 feet there would only remain 3 feet of space for pricing & identification of the store. Mr. Lombardo added that the front wall sign is below the allowed sign area, but the Williams Street wall sign has more area than permitted for a secondary sign. Mr. Lombardo noted that combined they are under the total area allowed for the front wall sign, and that the excess is a result of the use of the well-known logo and design of the signs.

Mr. Hassinger pointed out that the freestanding sign does not meet the 7 foot clearance to meet the by-law.

Mr. Scully added that the main sign is still not in compliance with the height allowed.

Mr. Prisby suggested the applicant use a smaller logo and pricing section.

Mr. Scully reminded the applicant that the building is between residential areas and that a smaller sign is more in compliance.

Linda Sheridan of 4 Amherst Street asked the Board if they had received her second letter and why another gas station was needed at this location since there were 9 gas stations within 5.1 miles. The Board explained that it is not in the Board's power to refuse the gas station if it is an allowed use in the zone and that such a decision by the Board would not stand up to any appeals.

Stephen Chitow of 225 Worcester Street stated that the applicant requires this special permit to proceed with this project; that the Board can approve or disapprove the request depending on whether the applicant meets the relevant requirements; and that if the gas station is allowed, the Board needs to take into consideration the abutters requests and concerns. Mr. Chitow also asked what the 6 foot fence will be made of and if it is high enough to block out enough abutter exposure to the project. Mr. Chitow asked for more clarification of the gas deliveries during business hours. Mr. Lombardo stated there would be no deliveries after 9:00 p.m. or before 9:00 a.m., and also between the peak hours already identified previously. Mr. Chitow also inquired about the loading & unloading activities, the turning radius of the trucks and whether these truck deliveries would compromise parking spaces needed.

Mr. Hassinger noted there were no site plan deficiencies pointed out in the current plan as reviewed.

Brian Sullivan of 17 Williams Road expressed concerns for the 18-wheelers leaving the Cumberland Farms lot and successfully making the swing onto Williams Road.

Chairman Robbins stated that it was requested at the last meeting that the applicant submit an onsite plan of the truck traffic.

Mr. Lombardo submitted a fuel tanker circulation plan to the Board stating that this will be the largest truck that will access the site. Mr. Sullivan persisted with the issue of the truck's ability to navigate the turn without hitting the pole.

Chairman Robbins announced that it was now 10:00 p.m. and a motion would be required to continue on past 10:00 p.m.

**MOTION** by Mr. Scully, **SECOND** by Mr. Hassinger, to continue pas 10:00 p.m. until the Board decides to adjourn the meeting. **MOTION** carried 4 to 1 with Mr. Hanna voting nay.

Mr. Chitow asked with regard to tanker truck off-loading, if the traffic can get around it and will it block parking spaces.

Mr. Prisby stated that there will probably be a short delay which will affect some people, but that the situation will remedy itself.

Ms. Pacileo informed the Board that they had reached out to Mass DOT for feedback on what kind of improvements would be available and were told that due to the size of the project there were no reasonable or appropriate improvements warranted.

Mr. Bishop inquired about another issue regarding communication between the store and the gas pumps, specifically whether there is the ability to limit the advertising activity. Mr. Lombardo stated that they need to have the speakers there for communication to the customer, but that they could keep the volume down making it only readily available to the person fueling.

Richard Lauder, General Manager of the Cumberland Farms store, remarked that the Northbridge location pump styles have advertising screens with speakers that pump background music when not active.

Mr. Scully asked if the screens on the on the face of the pump will be 4 inches or larger and reminded the applicant that brightness is controlled according to the time of day along with other CEVMS requirements that are now in the By-Law, which will affect how the screens are allowed to function.

Mr. Hassinger expressed concerns for the vocal part of the speaker and Mr. Scully asked if the sound was projected out or downward.

Chairman Robbins informed the applicant that the Board will require additional sign information, specifically on the items addressed; a point by point acknowledgement on the abutter's comments, and discussion on any open issues that remain.

Mr. Scully inquired about the pylon sign submitted for this project being much larger than the sign for Southborough.

Mr. Lombardo stated that he was hoping to close the public hearing tonight. Mr. Hassinger explained the problem of closing the public hearing and leaving the record open for submitted materials, adding that if the submissions are not accepted the special permit could be denied.

Mr. Lombardo requested the public hearing be continued to the January 13, 2014 Planning Board meeting.

**MOTION** by Mr. Scully, **SECOND** by Mr. Hassinger, to grant the applicant's written request to continue the public hearing to January 13, 2014 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hanna, **SECOND** by Mr. Prisby, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 10:35 p.m.

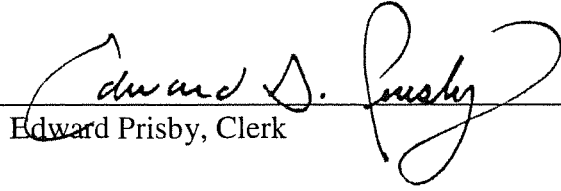


## **EXHIBITS**

- **Draft Item 5: Minutes of Previous Meeting**
  - Open session minutes of November 25, 2013; 9 pages.
- **Public Hearing 9A: Special Permit (SP 2013-10) John Gosselin, (Applicant / Owner) – Special Permit / Site Plan Approval – Sign Relief – 156 Main Street, South Grafton**
  - Unbound permit application received from the Applicant / Owner on November 1, 2013 which included the following items:
    - Application for Special Permit, dated October 30, 2013; 1 page.
    - Application for Site Plan Approval, dated October 30, 2013; 1 page.
    - Waiver Request List; 1 page.
    - Photo – Example of new sign; color, 8 ½” x 11”; 1 page.
    - Proposed Sign Plan of 156 Main Street, Grafton, Massachusetts; black & white, 11” x 17”; prepared by Andrews Survey & Engineering, Inc., dated August 29, 2013; 1 page.
  - Project Review Memorandum, Building Inspector, received November 4, 2013; 2 pages.
  - Photograph of existing sign, 156 Main Street, South Grafton; 8 ½ x 11”, black & white; submitted by the Applicant at the December 9, 2013 public hearing; 1 page.
- **Public Hearing 9B: Special Permit (MRSP 2013-10) Casa Builders & Developers Corp. (Applicant) – Maintanis Realty Trust and William J. & Mary J. Maintanis & Stephen Wilson (Owners) – Residential Development – 4 Gristmill Road & 102 Pleasant Street**
  - Unbound permit application received from the Applicant / Owner on October 28, 2013 which included the following items:
    - Application for Special Permit, dated October 9, 2013; 1 page.
    - Correspondence from J.M. Greiner Associates, Inc.; Major Residential Development Special Permit, “Gristmill Village”, Map 97, Parcel 22A & Map 98 Parcel 2, Grafton Massachusetts; dated October 10, 2013; 4 pages.
    - Attachment A: Waiver Request, 1 page.
    - Land Use Plan, “Gristmill Village” Major Residential Development, Conventional Development Plan; 11” x 17”, black & white; dated October 10, 2013; received October 28, 2013; 1 page.
    - Land Use Plan, “Gristmill Village” Major Residential Development, Flexible Development Plan; 11” x 17”, black & white; dated October 10, 2013; received October 28, 2013; 1 page.
    - Plan Set; “Gristmill Village” Major Residential Development, Conventional Development Plan; 11” x 17”, black & white; dated October 10, 2013; received October 28, 2013; 12 sheets; includes the following:

- Cover Sheet (1 sheet)
  - Existing Conditions Survey Plans (2 sheets)
  - Layout Plans (2 sheets)
  - Grading and Drainage Plans (2 sheets)
  - Utility Plans (2 sheets)
  - Roadway Profile Plans (3 sheets)
- Plan Set; “Gristmill Village” Major Residential Development, Flexible Development Plan; 11” x 17”, black & white; dated October 10, 2013; received October 28, 2013; 11 sheets; includes the following:
  - Cover Sheet (1 sheet)
  - Existing Conditions Survey Plans (2 sheets)
  - Layout Plans (2 sheets)
  - Grading and Drainage Plans (2 sheets)
  - Utility Plans (2 sheets)
  - Roadway Profile Plans (2 sheets)
- Correspondence from Graves Engineering; Gristmill Village preliminary Plan and MRDSP Review; dated and received December 5, 2013; 4 pages.
- Project Review Memorandum, Zoning Board of Appeals, received November 27, 2013; 1 page.
- Correspondence from the Grafton Water District, Special Permit (MRSP 2013-9) Casa Builders & Developers Corp.; dated and received November 21, 2013; 1 page.
- Notice of Public Hearing, Grafton Conservation Commission; Abbreviated Notice of Resource Area Delineation and Request for Determination; received November 4, 2013; 1 page.
- Project Review Memorandum, Police Department, received December 6, 2013; 2 pages.
- **Public Hearing 9C: Special Permit (SP 2013-7) GCCF new England, LLC c/o Cumberland Farms (Applicant) – Rojas Realty Trust (Owner) – 217 Worcester Street**
  - Correspondence from Linda Sheridan, 4 Amherst Street, North Grafton; Proposed Cumberland Farms 24-hour Store and Gas Station; dated December 2, 2013, received December 3, 2013; 1 page.
  - Correspondence from Linda Sheridan, 4 Amherst Street, North Grafton; Proposed Cumberland Farms 24-hour Store and Gas Station; dated November 18, 2013; 1 page.
  - Revised Plan sheets; Site Development Plans, Cumberland Farms, 217 Worcester Street (Route 122), Town of Grafton, Worcester County, Massachusetts; 11” x 17”, black & white; prepared by Bohler Engineering, dated July 31, 2013 and revised though December 2, 2013; includes the following sheets:
    - CFG4.0 Site Plan
    - CFG7.0 Site Utility Plan
    - CFG10.0 Site Lighting Plan (by Others)
    - CFG12.0 Proposed Canopy Elevations (by Others)

- Memorandum from the Grafton Wastewater Treatment Facility; 217 Worcester Street/Cumberland Farms; dated December 6, 2013, received December 9, 2013; 1 page.
- Correspondence from Attorney Philip Lombardo, Cumberland Farms, Inc. – Application for Special Permit (Worcester Street) – Signs; dated and received December 9, 2013; 2 pages.
- Plan, Security Camera Floor Plan; 8 ½ x 11”, black & white; prepared by Allevato Architects; dated June 25, 2013 and revised through December 6, 2013; submitted by the Applicant during the December 9, 2013 public hearing; 1 page.
- Site Plan; Fuel Tanker Circulation, Cumberland Farms, North Grafton Massachusetts; 11 x 17”, black & white; prepared by McMahon Transportation Engineers & Planners; dated December 4, 2013; submitted by the Applicant during the December 9, 2013 public hearing; 1 page.
- Proposed Sign Drawing; Cumberland Farms, 217 Worcester Street, North Grafton; 8½ x 11, black & white; dated November 21, 2013; submitted by the Applicant during the December 9, 2013 public hearing; 3 pages.

  
Edward Prisby, Clerk

